

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

John S. Hendricks

Serial No.: 09/966,594

Filed: October 1, 2001

For: SET TOP TERMINAL FOR ORGANIZING PROGRAM
OPTIONS AVAILABLE IN TELEVISION DELIVERY
SYSTEM

Group Art Unit: 2424

Examiner: Sheleheda, James R.

Confirmation No.: 5653

Attorney Docket No.: 007412.00393

APPLICATION FOR PATENT TERM ADJUSTMENT

Mail Stop Issue Fee
Commissioner for Patents
U.S. Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants hereby petition, under 37 C.F.R. § 1.705, for reconsideration of the patent term adjustment (PTA) specified in the Notice of Allowance mailed January 14, 2010. The remarks included in the following page(s) set forth reasons in support of this petition.

If any fees are required or if an overpayment is made, the Commissioner is authorized to debit or credit Deposit Account 19-0733 in the appropriate amount. Any necessary extensions of time are hereby requested.

REMARKS

Pursuant to 37 C.F.R. § 1.705(b)(2),

- (i) the correct patent term adjustment is 1368 days (1229 days as indicated in the Notice of Allowance mailed January 14, 2010, plus an additional 139 days). The additional 139 days is attributable to a failure on the part of the United States Patent and Trademark Office to issue a patent within 3 years from the filing date of the application. 35 U.S.C. § 154(b)(1)(B); 37 C.F.R. § 1.702(b).
- (ii) the dates for which adjustment is sought covers the time period from June 15, 2006 to October 31, 2006 (139 days). These dates correspond to the day after the mailing of a non-final Office Action on June 14, 2006, and end the day before a Final Office Action was mailed on November 1, 2006. *See* 37 C.F.R. § 1.703(b).
- (iii) the patent is not subject to a terminal disclaimer.
- (iv) any applicant related delays have already been taken into consideration in terms of the PTA indicated in the Notice of Allowance. In other words, the 1229 days specified in the Notice of Allowance already includes a reduction of 62 days attributable to a failure on the part of the Applicants to engage in reasonable efforts to conclude processing or examination, as that phrasology is used in 37 C.F.R. § 1.704.

If any fees are required or if an overpayment is made, the Commissioner is authorized to debit or credit Deposit Account 19-0733 in the appropriate amount.

Respectfully submitted,

BANNER & WITCOFF, LTD.

Date: March 12, 2010

By: /Mark E. Wilinski/
Mark E. Wilinski, Reg. No. 63,230
1100 13th Street, N.W.
Suite 1200
Washington, D.C. 20005-4051
Tel: (202) 824-3000
Fax: (202) 824-3001